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Law of the Sea Country Study

Brazil

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] Part II provides basic data and information bearing on law of the sea matters.

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CONTENTS

Part I - Law of the Sea Analysis

Summary	1
Factors Influencing Policy	2
Law of the Sea Policy	5
Key Policy Makers, LOS Negotiators and Advisers	9

25X6

Part II - Background Information

Basic Data	16
Conventions	17
Present Ocean Claims	18
Action on Significant UN Resolutions	19
Membership in Organizations Related to LOS Interests..	20

ANNEX

Draft articles submitted by Brazil to the Seabed Committee
Maps: Regional map
Theoretical Division of the World Seabed

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BRAZIL

Part I - Law of the Sea Analysis

A. SUMMARY

Brazil, a giant country with the longest coastline in South America, has a broad continental shelf and margin, the latter extending beyond 200 miles* in two areas. The Brazilian Government wants to keep this broad shelf under national jurisdiction, and it has attempted to ensure this by its 1970 200-mile territorial sea claim. Brazil's primary Law of the Sea (LOS) objective has been to guarantee its resource interests through retention of its 200-mile territorial sea claim, achievement of which would contribute considerably to the country's drive to play a major role in international affairs. There are some indications, however, that the Brazilian position may be altered to minimize its conflicts with the patrimonial sea concept, which is favored by a majority of the Latin American countries.



Although Brazil's foreign trade depends primarily on waterborne shipping and its navy is one of the largest in Latin America, officials see the concept of innocent passage through broad zones of coastal state national jurisdiction as sufficient for its needs. Within 200 miles of the coast, Brazil wants scientific research and pollution control standards subject to coastal state consent and regulation, as well as coastal state exclusive rights to the renewable and non-renewable resources.

Brazil considers the deep seabed beyond 200 miles as the common heritage of mankind. It has expressed a desire for a strong international regime with powers to regulate deep seabed activity; to conduct exploitation operations itself, as well as license exploitation; and to distribute the benefits derived from deep seabed mining. Brazil favors participation of the developing countries in the exploration and exploitation of the deep seabed, and views as imperative the transfer of technology and the protection of the economies of developing countries from price fluctuations of raw materials resulting from deep seabed mining.

* Distances and areas throughout this study are in nautical miles unless specified otherwise.

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B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

Brazil is the fifth largest country in the world, and its coastline extends southward for 4,655 statute miles from French Guiana to Uruguay on the Atlantic. Although its adjacent continental shelf is broad, measuring about 224,100 sq. miles within the 200-meter isobath, it comprises less than a quarter of the 924,000-sq. mile area out to 200 miles from the coast. The continental margin exceeds the 200-mile limit only in the area adjacent to the southern third of the coastline and a smaller area adjacent to the mouth of the Amazon. Brazil's inclusion of the Arquipelago de Fernando de Noronha within its baseline adds considerably to the seaward extension of its territorial sea claim.

Although its land boundaries touch every South American nation except Ecuador and Chile, Brazil has had few territorial disputes. Most of the population is concentrated within 300 miles of the coast.

Uses of the Sea

Mineral Resources -- The discovery of petroleum on the continental shelf and the desire to reserve the shelf area resources for the future needs of Brazil's rapidly growing population were the main factors that led the government to extend its territorial sea limit.

Brazil is rich in natural resources. Its hydroelectric power potential is enormous; iron ore deposits are among the world's largest; and deposits of bauxite, tungsten, manganese, and mica are substantial. However, Brazil is far from self-sufficient in petroleum or high-quality coal.

To stem the widening gap between petroleum consumption and domestic production, the state-owned petroleum enterprise (PETROBRAS) is amidst a sweeping oil exploration, exploitation, and refining program. The production of 3 million barrels of offshore oil in 1972 gives PETROBRAS reason to envision substantial marine reserves. The most promising prospects for finding new reserves are on the continental shelf off the mouth of the Amazon basin and in the offshore extensions of several onshore sedimentary basins.

Living Resources -- Most fishing is done in primitive open boats or consists of netting operations conducted from the ocean beaches. Modern methods are used by some commercial operations, but these are usually limited to Brazilian joint operations with Argentine, Soviet, and Japanese fishing fleets.

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Shrimp are abundant along the entire Brazilian coast, and lobster are especially plentiful off the northeastern coast. Catfish are found off the mouth of the Amazon, anchovy and hake to the south. A large shrimp fishery supplies the domestic market. Export of shrimp (mostly to Argentina, the United States, and Japan) has risen from 5 metric tons in 1963 to 3,058 metric tons in 1970. Most of the lobster export goes to the United States.

Although Brazil's abundant fishery resources are largely unexploited, administration officials have said that one of the principal reasons for issuing the 200-mile territorial sea claim in 1970 was the desire to conserve the fisheries and to encourage Brazilians to utilize these resources. Prior to the 200-mile territorial sea claim, foreign vessels, many of which were from or based in the Caribbean, fished freely on the rich banks off the coast of Brazil. Most of the vessel owners have found it profitable to continue these fishing activities in spite of the regulations, fees, and restrictions that Brazil has imposed since 1970.

Marine Transportation -- Brazil depends heavily on waterborne shipping, both foreign and domestic, and the Brazilian merchant fleet is the largest and most modern in South America. A long coastline and the concentration of population and economic activity along the seaboard area have stimulated development of an extensive and efficient maritime system that engages in high seas, coastal, and river operations. Brazil has six major ports and many significant minor ports. Recife, the closest deepwater Brazilian port to Africa and Europe, is on the major searoutes that connect Rio de Janeiro and other South Atlantic ports of South America with North America, Europe, and North Africa.

Brazilian foreign trade is nearly all seaborne. Total value of exports in 1971 (principally coffee, cocoa, sugar, iron ore, cotton, and manufactures) amounted to US\$2.9 million; imports (petroleum, wheat, machinery, and chemicals) amounted to US\$3.25 million. In 1970, Brazilian-flag ships carried 10.4%, by volume, of Brazil's exports and 20.6% of its imports. Brazilian companies, operating with chartered foreign-flag ships as well as their own vessels, accounted for 21.7% of the volume of Brazilian exports and 56.5% of its imports. Brazil's major trading partners are the United States, West Germany, the United Kingdom, Italy, the Netherlands, Argentina, and Venezuela.

Naval and Air Transportation Considerations -- The Brazilian Navy, one of the largest in South America, is capable of defending the country from seaborne attack by a neighboring country. Controlling fishing within its claimed territorial waters is no small task along

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with its other missions of protecting sea communications, coastal shipping, and river traffic. It is also committed to participate in the defense of the Western Hemisphere in a patrol and antisubmarine-warfare capacity.

The Brazilian Air Force is the largest air force in South America, and the country's civil air fleet is one of the largest in the world. VARIG, Brazil's airline for long-distance international flights and the largest airline company in Latin America, serves 59 domestic points and links Brazil with 22 cities in 20 countries.

Political and Other Factors

Brazil sees a confluence of interests with underdeveloped nations, and it attempts to exercise a leadership role. Brazilians believe it is their country's destiny to achieve greatness -- it is the largest and most populous Latin nation, the largest Catholic country in the world, and is endowed with rich natural resources. Among the basic tenets of Brazilian foreign policy is the achievement of the status of a major world power. It is the most active country in Latin America on the diplomatic front, with resident ambassadors in every nation in the hemisphere except Cuba, Barbados, and Jamaica. Special attention has been focused on Argentina, traditionally regarded as a rival for prestige in the region.

Brazil's dramatic economic growth has increased its ability to take an independent line in its international relations. Its views on multilateral economic matters, such as the coffee trade, have considerable impact on other countries, particularly within Latin America. Brazil has also taken a leading role in various security and political affairs, such as its opposition to the Nuclear Non-Proliferation Treaty. Brazil declined to sign the treaty on the grounds that it could hamper its efforts to develop nuclear power for peaceful purposes and that it places limitations on non-nuclear countries but not on nuclear powers.

Immediately following the March 1970 announcement of its claim to jurisdiction over waters 200 miles from its coastline, Brazil took the lead in attempting to obtain a united Latin American position on this issue in preparation for the LOS Conference. Its reluctance to compromise on the territorial sea issue, however, has tended to isolate Brazil even within the Latin American group. United States moderation toward the claims of developing countries for extensive economic jurisdiction has punctuated this isolation.

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Because it plays a significant role in extrahemispheric affairs, many countries consider Brazil a useful point of contact with the so-called Latin American bloc. Brazil has been chosen five times as a nonpermanent member of the UN Security Council and has participated in UN peacekeeping missions.

Brazil is the oldest ally of the United States in Latin America, and relations have usually been friendly, marked by close cooperation. The United States is interested in Brazil basically because of its importance in the hemisphere, its present and potential influence in world affairs, and its importance as a trading partner and investment site.

C. LAW OF THE SEA POLICY

Territorial Seas and Straits

In March 1970, Brazil proclaimed a 200-mile territorial sea which was contrary to prior speculations. The decree claims full sovereignty extending to the air space over the territorial sea as well as the ocean floor and subsoil, and gives protection of biological resources and national security as the reasons for the extension. Brazil cited the "convenience of having a policy similar to that of other Latin American nations and economic factors" as its explanation for this unexpected move. An additional decree covers regulation of fishing activities in the extended territorial sea area.

Brazil voted in favor of the Declarations of Montevideo and Lima in 1970.* It signed the former with the understanding that "freedom of navigation" mentioned therein with respect to the zone of coastal state "maritime sovereignty and jurisdiction" was the "freedom acknowledged in the territorial sea, that is, innocent passage," and that reference to freedom of overflight in the zone referred to "the rules normally applied to the air space above the territorial sea."

During the August 1971 session of the Seabed Committee, Brazil continued its rationalization for its 200-mile territorial sea claim. Ambassador Guerreiro said that in the absence of an international agreement on the limits of national jurisdiction over the ocean, his country believed each government had "the right and the duty to assess for itself the legitimate interests and needs of its people and country" in claiming a territorial sea. He said Brazil's extension to 200 miles was the "natural response of an ocean-exposed nation to the requirements of economic development and national security." Explaining that merchant ships would have the right to traverse the 200-mile territorial sea without restriction, he

*Latin American Declarations endorsing coastal state rights to the shelf.

said, "What trading ships need is nothing more than going from one port to another by the most direct and safe route, and stopping in emergencies -- that is innocent passage. Only activities relating to research, to information, to exploitation or fishing require more than that. Such activities are obviously of fundamental interest to the economy or the security of the coastal state and should not be carried out without its consent and/or participation."

During Subcommittee I discussions of the August 1971 session of the Seabed Committee, Mr. Thompson-Flores elaborated on the limits of national jurisdiction, stating that his delegation was in complete agreement with the view that the only precise and just method of establishing a limit in the marine environment was one based on the distance criterion.

In the March 1973 Seabed Committee discussions, Brazil commented favorably on the Santo Domingo Declaration and the Kenya proposal on an exclusive economic zone, but indicated that it would be preferable to extend the territorial sea to 200 miles and then spell out in detail the rights of other states in that area.

The Brazilian Draft Treaty (see Annex) for the 1974 LOS Conference holds to the 200-mile territorial sea. It proposes that any state has the right to establish the breadth of its territorial sea within reasonable limits, but not extending beyond 200 miles. The "patrimonial sea" is indirectly mentioned, but merely as an alternative for those states that do not wish to claim a full 200-mile territorial sea.

Brazil's attitude toward a 200-mile territorial sea has been unbending. However, most of the Latin American states support the patrimonial sea concept, and Brazil is feeling the effects of increasing isolation. Recent reports indicate that Brazil may modify its position on the 200-mile limit by changing it from a territorial to a patrimonial sea limit. The Ministry of Foreign Affairs has stated that if President Geisel does not give approval for the change, "Brazil will have to apply its 200-mile territorial sea doctrine in an attenuated form to minimize conflicts with the majority of countries expected to approve the patrimonial sea concept." In this connection, the Ministry referred to a "plurality of regimes" within the 200-mile limit. Brazilian LOS authorities have publicly admitted "that Brazil will be forced to make at least one concession [at the LOS Conference]: allow free navigation within the 200-mile limit providing it does not imply any exploitation of resources."

Brazil has taken no official position on straits, but has maintained that innocent passage is sufficient for any country's maritime needs. However, a recommendation made by the Chief of the Navy General Staff

to the Minister of the Navy in September 1973 states, "there are significant strategic and political reasons why Brazil should adopt the policy of free transit or free navigation."

Continental Shelf and Coastal State Jurisdiction
Beyond the Territorial Sea

Brazil did not sign the 1958 Geneva Convention on the Continental Shelf, but has adopted the exploitability criterion in its national legislation. Brazil's continental shelf area out to a depth of 200 meters is extensive and the government is interested in keeping this broad shelf under national jurisdiction. As one of the more developed of the developing nations, Brazil has less to gain than other states from an extensive international regime.

Among the few draft articles submitted to the Seabed Committee that propose a territorial sea wider than 12 miles, only Brazil's July 1973 articles (see Annex) would establish a true territorial sea 200 miles wide, in that navigation in the territorial sea would be limited to innocent passage. Brazilian spokesmen have repeatedly stated that the country will never accept any restrictions within the 200-mile limit that are inconsistent with its sovereignty over resources, and it is not inconceivable that Brazil may eventually claim an economic zone extending beyond the 200-mile limit to the edge of the continental margin. Presently, Brazilian national legislation divides the 200-mile-wide area into two fishing zones -- a 100-mile zone reserved exclusively for Brazilian fishing vessels, and an outer 100-mile zone in which foreign vessels may fish contingent upon the purchase of Brazilian licenses.

Fisheries

The 200-mile territorial waters decree and Brazil's subsequent enforcement of its exclusive fishing regulations caused foreign nations to seek negotiations with Brazil in an attempt to continue their fishing operations off Brazil. Not only did the fishing restrictions impinge on the U.S. shrimp fishing industry, but they also adversely affected the economies of Guyana, Trinidad and Tobago, the Overseas Department of French Guiana, and the Netherlands territory of Surinam. In addition to being the sites of U.S. fish processing plants, foreign fishing vessels (mainly U.S.) operate from these independent states and territories, frequenting the waters claimed by Brazil. Bilateral negotiations between Brazil and Guyana, Trinidad and Tobago, France, and the Netherlands proved to be less than satisfactory, as Brazilian hard bargainers refused to include provisions for the continuance of fishing operations by the third-country vessels.

A compromise agreement between Brazil and the United States, however, was concluded in May 1972 after two rounds of negotiations. The fundamental U.S.-Brazilian difference over the legality of Brazil's 200-mile sea claim was skirted, and the accord established a conservation zone within which U.S. shrimp fishermen could continue operations at about the same level as formerly. Some specific limitations were placed on the activities of U.S. vessels, and the agreement provided for mutual exchange of research information. The United States also agreed to reimburse the Government of Brazil \$200,000 annually for enforcement expenditures. In a statement announcing the shrimp fishing agreement Ambassador McKernan said, "The treaty is really a conservation treaty -- and does not deal with the question of jurisdiction."

The Japanese Government, refusing systematically to recognize the Brazilian position on territorial sea limits, suspended fishing negotiations in August 1973.

Deep Seabed Resources

Brazil believes an international regime should be established to regulate the exploitation of deep seabed resources and the activities directly or indirectly related to deep seabed utilization in the area beyond national jurisdiction. A Brazilian representative at the March 1971 meeting of the Seabed Committee suggested that an international agency be established for the purpose of granting licenses for the exploration and exploitation of resources to states or intergovernmental organizations and for the purpose of enforcing compliance with the conditions established in these licenses. The agency should also be capable of undertaking direct exploitation. In March 1972, the representative said the organization to be established should have an Assembly, Council, and a Secretariat. The Assembly would adopt policies and make basic decisions -- under the principle of one-state-one-vote -- on all matters within the Authority's competence. The Council would be in charge of day-to-day activities, including the regulation and supervision of activities in the area; the distribution of benefits among member states; and the coordination of measures to promote scientific research, prevent pollution, and ensure the participation of the developing countries in the exploration and exploitation of resources. The composition of the Council must be based essentially on the principle of equitable geographical distribution; account must be taken of the need for both efficiency and adequate representation of all interests concerned. On important questions, decisions would be by two-thirds vote of members present and voting, each member having one vote. The regime should be provided with sufficient power to exercise effective control over the production, processing, and marketing of the resources

of the area so that the economies of the developing countries would be protected against detrimental effects of world price fluctuations. Brazil views as imperative the transfer of ocean technology to the developing states.

Scientific Research

Brazil believes that marine research conducted in areas under national jurisdiction should be subject to coastal state consent and control. A Brazilian delegate to the August 1972 UN Seabed Committee said, "Even in the case of a broad area of exclusive rights over resources beyond a 12-mile territorial sea, it would be necessary to invest the coastal state with exclusive competence with regard to the regulation of scientific research. . . ." In the July 1973 Subcommittee III UN Seabed Committee meetings, Brazil joined Ecuador, El Salvador, Peru, and Uruguay in presenting draft articles on scientific research (see Annex), stipulating precise coastal state rights. In August 1973, Brazil, along with 14 other countries, cosponsored another draft article (see Annex) in Subcommittee III that requires coastal state consent prior to conducting any marine scientific research in the area under a state's sovereignty and national jurisdiction.

Marine Pollution Control

Brazil has not taken an official position on marine pollution other than to say that pollution control would be most effective if the coastal state had jurisdiction over broad areas near its shores. The principal preoccupation of Brazil's decisionmakers is the country's economic development. They would oppose strong international pollution standards that would affect exploitation of the seabed within the area of national jurisdiction.

Brazil seems to favor minimal international control standards for vessel-source pollution on the high seas and objects to provisions that would allow one nation to interfere with the ships of another. In discussions regarding the establishment of an IMCO Marine Pollution Committee in May 1973, a Foreign Office official said that the Government of Brazil prefers the concept of "voluntary" compliance with international pollution control standards subject to flag state enforcement.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

Established basic policy directives -- economic development, rooting out subversion, and expanding international prestige -- are likely to be continued under recently inaugurated President Ernesto

Geisel. He is expected to pursue commercial advantages aggressively and to seek ways in which to increase Brazil's role as a leader in Latin America. As head of the national oil enterprise prior to becoming President, Geisel gained a specialized knowledge of the oil industry.

Brazil has been an active member of the Seabed Committee in preparations for the 1974 LOS Conference. Ramiro Guerreiro and Sergio Thompson-Flores were outspoken representatives at all six preparatory Seabed Committee sessions and the organizational session of the Conference. During the Seabed Committee sessions Guerreiro was Brazil's chief orator, defending its position of the right of states to extend their territorial sea according to their needs. Thompson-Flores, who served as Vice Chairman of Subcommittee II of the UN Seabed Committee in 1971, espoused the virtues of a distance criterion for setting limits of national jurisdiction.

Captain Murillo Souto Maior de Castro, special adviser from the Brazilian Navy, has attended four of the LOS preparatory sessions. He proposed, after the August 1973 meeting, that Brazil permit free navigation or free transit outside a 12-mile ocean boundary and redefine its policy on resources of the ocean bottom to permit the country to exploit such resources beyond the 200-mile limit to the edge of the margin.

It is not known whether Foreign Minister Antonio Azeredo da Silveira will take an active role in LOS matters as did outgoing Minister Mario Gibson Alves Barboza.

Brazilian official delegates who attended one or more of the preparatory sessions for the Third UN Conference on LOS or the organizational session of the Conference are as follows:

Name and Title (as they appear
on the latest UN listing)

Seabed Committee Session						Org. Conf. Dec 73
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
X	X	X	X	X	X	X
					X	
X	X	X	X	X		
	X					
X	X	X	X	X	X	X
	X					
				X		
					X	
		X		X		

Mr. Luiz Augusto S.B. de
ARAUJO CASTRO
Second Secretary of Embassy
Permanent Mission to the UN

Mr. Jose Mauricio de Figueiredo
BUSTANI
Second Secretary of Embassy
Brazilian Embassy in Vienna

Mr. Evaldo CABRAL de MELLO
Secretary of Embassy
Permanent Mission to the UN

Mr. Michel Mont CORNIGLION
Mission Permanente aupres de
l'Office des Nations Unies

*H.E. Mr. Ramiro Saraiva GUERREIRO
Ambassador
Permanent Representative to
the UN [Secretary General,
Office of Foreign Affairs,
as of June 1974]

Mr. Luiz Felipe LAMPREIA
Second Secretary of Embassy
Permanent Mission to the UN

Dr. Geraldo Wilson NUNAN

Mr. Luiz Villarinho PEDROSO
Counsellor of Embassy
Permanent Mission to the UN

Mr. Ronaldo Mota SARDENBERG
Secretary of Embassy
Permanent Mission to the UN

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Name and Title

	Seabed Committee Session						Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
Captain Dimas Lopes da SILVA COELHO		X					
*Captain Murillo SOUTO MAIOR de Castro Ministry of the Navy			X	X	X	X	
Mr. Celso Antonio de SOUZA E SILVA Minister Plenipotentiary Deputy Permanent Representative to the UN		X					
*Mr. Sergio M. THOMPSON-FLORES Counsellor of Embassy Permanent Mission to the UN	X	X	X	X	X	X	X
Dr. Haroldo Pereira TRAVASSOS					X		

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BRAZIL

Part II - Background Information

Geography

World region: Latin America

Category: coastal

Bordering states: Venezuela, Guyana, Surinam, French Guiana, Uruguay, Argentina, Paraguay, Bolivia, Peru, Colombia

Bordering bodies of water: Atlantic Ocean

Area of continental shelf: 224,100 sq. mi.

Area to 200 mi. limit: 924,000 sq. mi.

Area to edge of continental margin: 435,700 sq. mi.

Coastline: 4,655 statute mi.

Land: 3,290,000 sq. statute mi.

Population: 105,911,000

Industry and Trade

GNP: \$60 billion, \$590 per capita (1973)

Major industries: textiles and other consumer goods, cement, lumber, steel, motor vehicles, other metalworking industries

Exports: \$6,190 million (f.o.b., 1973); coffee, manufactures, iron ore, cotton, soybeans, sugar, wood, cocoa, beef

Imports: \$6,016 million (c.i.f., 1973); machinery, chemicals, pharmaceuticals, petroleum, wheat

Major trade partners: exports - U.S. 24%, West Germany 8%, Italy 7%, Netherlands 6%, Japan 5%, U.K. 4%; imports - U.S. 29%, West Germany 11%, Japan 7%, U.K. 6%, Italy 4% (1972)

Merchant marine: 230 ships (1,000 GRT or over) totaling 2,103,300 GRT; 2 passenger, 154 cargo, 45 tanker, 5 liquefied gas, 21 bulk, 3 combination ore/oil; includes 2 naval tankers sometimes used commercially

Marine Fisheries

Catch: 650,000 metric tons (1971); exports - \$26.7 million (f.o.b., 1971); imports - \$27.5 million (f.o.b., 1971)

Economic importance: nationally significant; locally important for source of employment and food

Ranking: 26 worldwide, 3 regional

Species: shrimp, lobster, tuna, catfish, hake, anchovy, sardines, herring, seabass and redfish

Marine fisheries techniques: artisanal and modern

Other countries fishing off coast: Japan, U.S., U.S.S.R., U.K., South Korea, France, French Guiana, Trinidad and Tobago, Guyana, Surinam, Argentina, Barbados, Uruguay

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Petroleum Resources

Petroleum: production - 61.7 million 42-gal. bbl. (8.4 million metric tons) onshore, 1.9 million 42-gal. bbl. (0.3 million metric tons) offshore; proved recoverable reserves - 1,000 million 42-gal. bbl. (137 million metric tons) onshore, information on offshore reserves not available (1971)

Natural gas: production - 42.4 billion cubic feet (1.2 billion cubic meters) onshore, offshore production negligible; proved recoverable reserves - 5,000 billion cubic feet (140 billion cubic meters) onshore; information on offshore reserves not available (1971)

Navy

Ships: 1 ASW-support aircraft carrier, 1 light cruiser, 17 destroyers, 3 destroyer escorts, 8 submarines, 19 patrol, 8 mine warfare ships, 2 amphibious warfare ships, 24 amphibious warfare craft, 31 auxiliaries, 39 service craft (includes 3 auxiliary dry docks)

Government Leaders

President, Ernesto Geisel
Minister of Foreign Affairs, Antonio Azeredo da Silveira

Multilateral Conventions

IMCO Convention, 1963
Nuclear Test Ban Treaty, 1965
International Convention for the Safety of Life at Sea, 1967
International Convention for the Conservation of Atlantic Tunas, 1969
Declaration of Montevideo on the Law of the Sea, May 1970
Declaration of Lima on the Law of the Sea, August 1970

Bilateral Conventions

Argentina-Brazil. Agreement on Conservation of Natural Resources in the Sea Adjacent to the Argentinian Coasts of South Atlantic, 1967
Argentina-Brazil. Agreement Concerning Fishing, 1967. Reciprocal fishing beyond 6 miles measured from the baseline.
Brazil-Uruguay. Agreement on the Delimitation of the Territorial Sea, 1969
Brazil-USA. Agreement Concerning Shrimp, May 9, 1972
Trinidad and Tobago-Brazil. Agreement Concerning Shrimp, May 19, 1972 (First Agreement signed in 1971)

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Present Ocean Claims*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1940	3 mi.	Decree 5798 of June 11, 1940
	1966	6 mi.	Decree Law No. 44 of Nov. 18, 1966
	1969	12 mi.	Decree Law No. 553 of Apr. 25, 1969
	1970	200 mi.	Decree 1098 of Mar. 25, 1970
Continental Shelf	1941	Continental platform	Decree 6734 of Jan. 21, 1941 <i>Art. 4, No. 3 of Constitution</i>
	1950		Decree 28840 of Nov. 8, 1950 <i>Depths to accord with international law</i>
	1968	200 meters exploita- bility	Decree 62837 of June 6, 1968 <i>Defined in context of research</i>
	1968		Decree <i>Eliminates the definition of previous decree; Boletin Especial No. 196 of Oct. 20, 1967</i>
Exclusive Fishing	1938	12 mi.	Decree Law No. 794 of Oct. 19, 1938 <i>Said to be nullified by Decree 28,840 of Nov. 8, 1950</i>
	1966	6+ 6 mi.	Decree Law No. 44 of Nov. 18, 1966
	1971	100 + 100 mi.	Decree Law No. 68,459 of Apr. 1, 1971 <i>Decree No. 68,459 effective Apr. 1, 1971</i>
Customs	1966	+ 6 mi.	Decree Law No. 44 of Nov. 18, 1966
Civil Jurisdiction	1966	+ 6 mi.	Decree Law No. 44 of Nov. 18, 1966
Sanitary	1966	+ 6 mi.	Decree Law No. 44 of Nov. 18, 1966
Straight Baselines	1969		Decree Law No. 56, Apr. 28, 1969 <i>Permits straight baselines where certain conditions prevail</i>
	1970		Decree 1098

*Principal source: Limits of the Seas, National Claims to Maritime Jurisdictions, State Dept./INR, March 1973 and Revisions.

Action on Significant UN Resolutions

Moratorium Resolution (A/RES/2574 D, XXIV, 12/15/69) <i>Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.</i>	In favor
LOS Conference (A/RES/2750 C, XXV, 12/17/70) <i>Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.</i>	In favor
LOS Conference, Timing and Site (A/RES/3029 A, XXVII, 12/18/72)	Adopted w/o vote
Indian Ocean as a Zone of Peace (A/RES/2992, XXVII, 12/15/72) <i>Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.</i>	Abstained
Landlocked/Shelf-Locked Study Resolution (A/RES/3029 B, XXVII, 12/18/72) <i>Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.</i>	Against
Peruvian Coastal State Study Resolution (A/RES/3029 C, XXVII, 12/18/72) <i>Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.</i>	In favor
Permanent Sovereignty over Natural Resources (A/RES/3016 XXVII, 12/18/72) <i>Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.</i>	In favor

Membership in Organizations Related to LOS Interests

FAO	Food and Agriculture Organization
GATT	General Agreement on Tariffs and Trade
IADB	Inter-American Defense Board
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruction and Development (World Bank)
ICAO	International Civil Aviation Organization
IHB	International Hydrographic Bureau
ILO	International Labor Office
IMCO.....	Inter-Governmental Maritime Consultative Organization
IMF	International Monetary Fund
LAFTA	Latin American Free Trade Association
OAS	Organization of American States
Seabed Committee	United Nations Committee on the Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
WHO	World Health Organization
WMO	World Meteorological Organization

UNITED NATIONS

GENERAL
ASSEMBLY



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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

Brazil: draft articles containing basic provisions on the question of the maximum breadth of the territorial sea and other modalities or combinations of legal regimes of coastal State sovereignty, jurisdiction or specialized competences

ARTICLE A

1. Each State has the right to establish the breadth of its territorial sea within reasonable limits, taking into account geographical, social, economic, ecological and national security factors.
2. The breadth of the territorial sea shall in no case exceed two hundred nautical miles measured from the baselines determined in accordance with article ... of the present Convention.
3. States whose coasts do not face the open ocean shall enter into consultations with other States of the region with a view to determining a mutually agreed maximum breadth of the territorial sea appropriate to the particular characteristics of the region.

ARTICLE B

Within the limitations determined by article A, each State has the right to establish other modalities or combinations of legal regimes of sovereignty, jurisdiction or specialized competences in the marine area adjacent to its coasts.

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THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE III

Algeria, Brazil, China, Ethiopia, Egypt, Iran,
Kenya, Pakistan, Peru, Philippines, Romania,
Somalia, Trinidad and Tobago, Tunisia, Yugoslavia:

Draft article on consent to conduct marine
scientific research

Whenever, according to this Convention, the consent of a coastal State is requested for undertaking marine scientific research in the areas under its sovereignty and national jurisdiction the explicit consent of that State shall be obtained before such activity is undertaken.

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COMMITTEE ON THE PEACEFUL USES OF THE
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LIMITS OF NATIONAL JURISDICTION

SUB-COMMITTEE III

SCIENTIFIC RESEARCH WITHIN THE ZONE SUBJECT TO THE SOVEREIGNTY
AND JURISDICTION OF THE COASTAL STATE

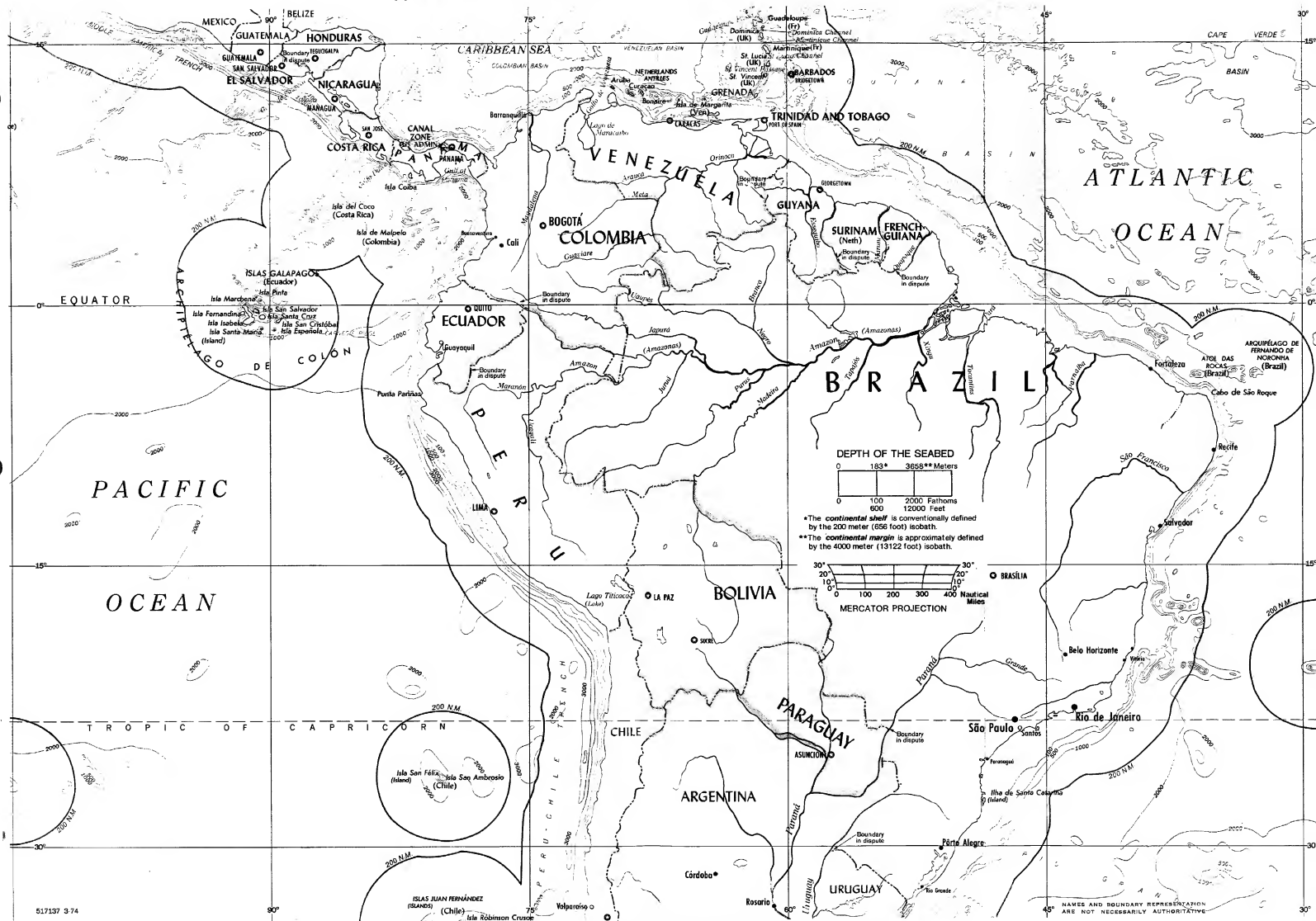
Brazil, Ecuador, El Salvador, Peru and Uruguay:

1. The coastal State shall have the right to bring under regulation scientific research activities conducted in the zone subject to its maritime sovereignty and jurisdiction.
2. Scientific research activities in the zone subject to the maritime sovereignty and jurisdiction of the coastal State shall be conducted for peaceful purposes.
3. The coastal State shall promote, select and facilitate scientific research activities within the zone subject to its maritime sovereignty and jurisdiction with a view to promoting the development of science and technology, in order that the results may contribute to a better knowledge, and to the preservation of the marine environment and its resources and to a more efficient exploitation of those resources.
4. States, international organizations and physical or juridical persons desiring to undertake scientific research activities within the zone under the maritime sovereignty and jurisdiction of the coastal State shall apply for and obtain authorization from that State and comply with the provisions imposed by it; they shall specify: (a) the objectives and tasks of their research; (b) the means to be used; (c) the scientific staff to be employed; (d) the zones in which the activities are to be conducted; (e) the dates proposed for conducting them; and they shall undertake to transmit to the coastal State the primary data and results of the investigation and any samples obtained in the course of it.
5. The coastal State shall have the right to participate in the scientific research activities conducted within the zone subject to its maritime sovereignty and jurisdiction.

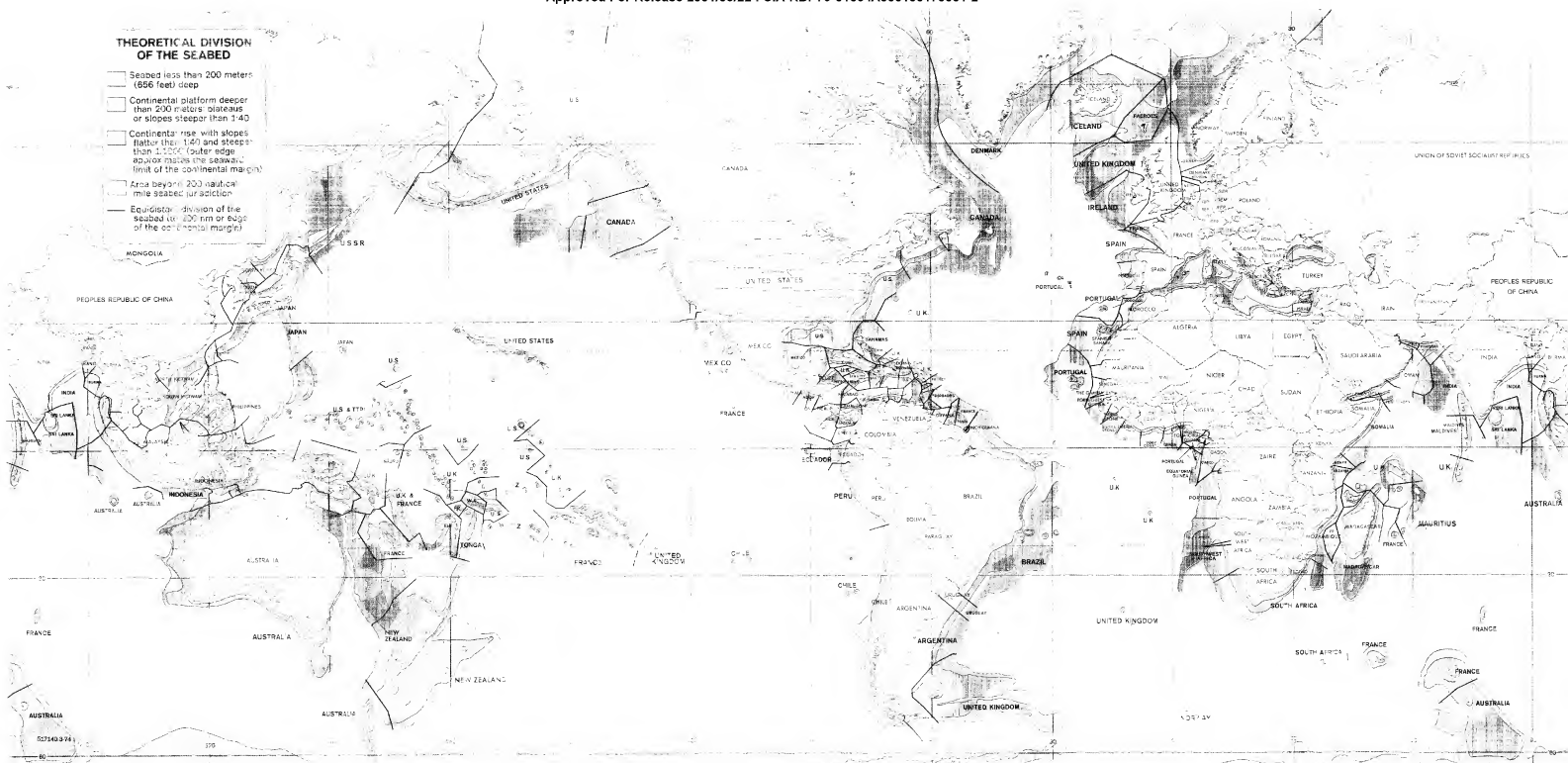
6. The scientific research activities in the zone subject to the maritime sovereignty and jurisdiction of the coastal State shall be conducted in conformity with the conditions laid down in the relevant authorization. These conditions shall not be altered by the persons conducting the investigation, except with the express consent of the coastal State.
7. Scientific research activities shall be so conducted that they do not harm the marine resources, and that they do not interfere with or obstruct the exploitation of those resources, navigation or existing services and installations.
8. The coastal State shall co-operate with other States and with the international organizations concerned in order to disseminate the results of scientific research.

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